

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2432 - SB 3474

February 6, 2012

SUMMARY OF BILL: Requires the Speakers of the Senate and the House of Representatives to develop and implement a drug testing system for members of the General Assembly. Requires the system to be consistent with the provisions for a drug free workplace under Title 50, Chapter 9 and requires the General Assembly to be deemed a covered employer under that title. Requires members elected on or after November 6, 2012, to be tested before the end of the organizational session or within two weeks of being sworn into office in the same manner as job applicants under Tenn. Code Ann. § 50-9-106(a)(1). Requires that a member's refusal to submit to a drug test or a member's positive confirmed drug test be reported to the appropriate speaker. Specifies that such a member may be subject to appropriate discipline but will not be denied the seat to which the member was elected.

Requires the Tennessee Ethics Commission to develop and implement a drug testing system for all persons who are elected to public office. Requires the system to be consistent with the provisions for a drug free workplace under Title 50, Chapter 9. Requires public officials elected on or after November 6, 2012, to be tested within two weeks of being sworn into office in the same manner as job applicants under Tenn. Code Ann. § 50-9-106(a)(1). Requires an elected official's refusal to submit to a drug test or an elected official's positive confirmed drug test to be reported to the appropriate governmental entity or official. Specifies that such an official may be subject to appropriate discipline but will not be denied the seat to which the official was elected.

Urges, but does not require, the Supreme Court to develop and implement a drug testing system for all persons elected to judicial office that is consistent with the provisions for a drug free workplace under Title 50, Chapter 9.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$171,000/FY12-13
\$119,000/FY13-14 and Biennially thereafter
\$130,500/FY14-15 and Biennially thereafter**

**Increase Local Expenditures - \$300,000/FY12-13
\$100,000/FY13-14 and Subsequent Years**

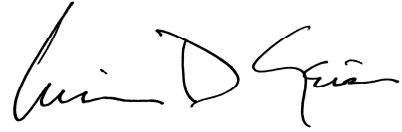
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Assumptions:

- According to Office of Legislative Administration (OLA), 99 House members and 16 Senate members run for election every two years, resulting in 115 members being subject to alcohol and drug testing in election years.
- According to OLA, the cost of on-site testing is \$100 per test and the cost of off-site testing is \$40 per test. It is assumed that during election years, on-site testing will be offered to members.
- During election years, the cost of testing will be \$11,500 (115 members x \$100 per test).
- During non-election years, there will not be an increase in state expenditures for drug testing for members of the General Assembly.
- According to the Secretary of State's office, there are 7,500 local elected public officials and 100 state elected public officials that would be subject to testing by the Ethics Commission. Estimate assumes testing will be done off-site at a cost \$40 per test. The costs for the drug tests are passed on to the counties, municipalities, and the State. It is assumed that all public officials would be tested the first year. In subsequent years, it is assumed that 2,500 would be tested based on the election timeframes. In the first year, there will be an increase in local expenditures of \$300,000 (\$40 x 7,500 local officials). In subsequent years, there will be an increase in local expenditures of \$100,000 (\$40 x 2,500 local officials).
- An increase in state expenditures to test state elected officials at off-site locations of \$4,000 (\$40 x 100 state officials).
- The Ethics Commission would require two additional positions to monitor and track the public officials subject to testing each year. Two additional positions at a recurring cost of \$115,000 which includes salary (\$70,000), benefits (\$21,000), office space (\$4,000), professional services and related items (\$20,000).
- One-time costs of \$25,000 which includes data processing (\$20,000) and supplies (\$5,000).
- According to the Administrative Office of the Courts, there are 387 elected judges (29 appellate judges; 157 trial court judges; 171 general sessions and juvenile judges; and 30 municipal court judges).
- If all 387 elected judges are tested at off-site locations, there will be a one-time increase in state expenditures of \$15,480 (\$40 x 387 judges). Any future increases in state expenditures to test newly elected judges will be not significant.
- The total increase in state expenditures in FY12-13 will be \$170,980 (\$11,500 + \$4,000 + \$115,000 + \$25,000 + \$15,480).
- The total increase in state expenditures in FY13-14 and biennially thereafter will be \$119,000 (\$4,000 + \$115,000).
- The total increase in state expenditures in FY14-15 and biennially thereafter will be \$130,500 (\$11,500 + \$4,000 + \$115,000).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', written in a cursive style.

Lucian D. Geise, Executive Director

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